

TIMOTHY R. TITOLO, ESQ.
Nevada Bar No. 3617
TITOLO LAW OFFICE
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Phone: (702) 869-5100
Email: tim@titololaw.com

Attorney for Plaintiffs

CHARLES A. MICHALEK, ESQ.
Nevada Bar No. 5721
ROGERS, MASTRANGELO, CARVALHO & MITCHELL
700 South Third Street
Las Vegas, Nevada 89101
Phone: (702) 383-3400
Email: cmichalek@rmcmlaw.com

Attorney for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PETER DELVECCHIA, individually and as
next friend of A.D., a Minor,

Plaintiffs,

v.

FRONTIER AIRLINES, INC.,
SCOTT WARREN, and REX SHUPE,

Defendants.

Case No.: 2:19-cv-01322-KJD-DJA

**SIXTH STIPULATED
MOTION TO EXTEND DEADLINES**

Plaintiffs Peter DelVecchia, individually and as next friend of A.D., a minor (collectively “Plaintiffs”), and Defendants Frontier Airlines, Inc. (“Frontier”), Scott Warren, and Rex Shupe (collectively “Defendants”), each by their undersigned counsel, hereby submit their **SIXTH STIPULATED MOTION TO EXTEND DEADLINES**, seeking to extend the deadlines related to initial and rebuttal disclosure of experts, close of discovery, filing of dispositive motions, and filing of the joint proposed pretrial order as set forth in this Court’s March 16, 2021 Order (ECF No. 117) by approximately 180 days each.

Specifically, the Parties seek to extend these deadlines as follows:

1. Extend the deadline to disclose initial experts from September 24, 2021 to ***March 23, 2022***;
2. Extend the deadline to disclose rebuttal experts from October 29, 2021 to ***April 27, 2022***;
3. Extend the discovery cutoff date from November 26, 2021 to ***May 25, 2022***;
4. Extend the deadline to file dispositive motions from December 31, 2021 to ***June 29, 2022***;
- and
5. Extend the deadline to file the joint proposed pretrial order from ***January 28, 2022 to July 27, 2022***.

The Parties have been working diligently to complete fact discovery. Written discovery is ongoing, subpoenas for records have been, and continue to be, issued, and fifteen (15) party and fact witness depositions have been completed. The Parties continue to work to obtain outstanding records from medical providers and other institutions with damages-related information, and to schedule the remaining fact witness and treating physician depositions. Following applicable Orders from this Court and several meet-and-confer conferences with Plaintiffs, Frontier has recently been supplementing its written discovery responses and document production. However, given the breadth and scope of inquiry, Frontier will require additional time to complete its search for responsive information and documents. The Parties agree that production of these documents is a prerequisite to conducting the Fed. R. Civ. P. 30(b)(6) depositions noticed by Plaintiffs, which in turn must be completed before expert disclosures. Additionally, Plaintiffs have indicated they intend seek leave to amend their Complaint to include, among other things, new information received in Frontier's recent document productions, which will involve motion practice. Thus, an extension of deadlines is necessary.

Although the Parties are attempting to work cooperatively, their progress on discovery has been impeded by certain disputed matters, which will require Court intervention. One of these issues is

Defendants' request to have an I.M.E. of Plaintiff A.D., to which the parties have a disagreement over the examiner. As such, Defendants must now file an appropriate motion seeking Court intervention on this matter. And second, the Parties disagree regarding whether Frontier must disclose the names and contact information of passengers identified in complaints and incident reports pertaining to occurrences on unrelated flights. Thus, Plaintiffs intend to file a Rule 37 motion for sanctions regarding the redaction of that information from the produced documents. The Parties agree that an extension of deadlines is needed to allow for resolution of these matters.

As well, on July 6, 2021, the Parties participated in a private mediation in Las Vegas, Nevada, with the Hon. Jennifer Togliatti (Retired) as the mediator. The Parties were unable to settle this matter. Prior to the mediation, in January 2020, the Parties attended a settlement conference with Magistrate Judge Nancy J. Koppe. In short, the Parties have made good faith efforts to seek an amicable resolution of this matter.

Despite the Parties' best efforts, additional time is needed to complete fact and expert discovery. Although the Parties are working as expeditiously and as cooperatively as possible, the breadth and scope of discovery being conducted in this case and the above-discussed disputes have slowed their progress such that more time is required. This is the sixth motion for a continuance of pretrial deadlines filed in this case.

DATED this 20th day of August, 2021

Respectfully submitted,

/s/ Matthew D. Martin

Brian T. Maye (admitted *pro hac vice*)

Tara Shelke (admitted *pro hac vice*)

Matthew D. Martin (admitted *pro hac vice*)

ADLER MURPHY & McQUILLEN LLP

20 South Clark Street, Suite 2500

Chicago, Illinois 60603

Phone: (312) 345-0700

Email: bmaye@amm-law.com

tshelke@amm-law.com

mmartin@amm-law.com

Charles A. Michalek (Nevada Bar No. 5721)
ROGERS, MASTRANGELO, CARVALHO &
MITCHEL
700 South Third Street
Las Vegas, Nevada 89101
Phone: (702) 383-3400
Email: cmichalek@rmcmlaw.com

*Attorneys for Defendants Frontier Airlines, Inc.,
Scott Warren & Rex Shupe*

/s/John D. McKay
John D. McKay (admitted *pro hac vice*)
PARK AVENUE LAW LLC
127 West Fairbanks Avenue, No. 519
Winter Park, Florida 32789
Phone: (434) 531-9569
Email: johndmckayatty@gmail.com

Timothy R. Titolo (Nevada Bar. No. 3617)
TITOLO LAW OFFICE
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Phone: (702) 869-5100
Email: tim@titololaw.com

*Attorneys for Plaintiffs Peter DelVecchia &
A.D., a Minor*

CERTIFICATE OF SERVICE

Pursuant to LR IC 4-1, I hereby certify that on the 20th day of August, 2021, the foregoing **SIXTH**
STIPULATED MOTION TO EXTEND DEADLINES was served upon the following counsel of
record *by email only*:

John D. McKay
PARK AVENUE LAW LLC
127 West Fairbanks Avenue, Suite 519
Winter Park, Florida 32789
Phone: (434) 531-9569
Email: johndmckayatty@gmail.com

1
2 Timothy R. Titolo
3 TITOLO LAW OFFICE
4 9950 West Cheyenne Avenue
5 Las Vegas, Nevada 89129
6 Phone: (702) 869-5100
7 Email: tim@titololaw.com

8 *Attorneys for Plaintiffs*

9 /s/Matthew D. Martin
10 Brian T. Maye (admitted *pro hac vice*)
11 Tara Shelke (admitted *pro hac vice*)
12 Matthew D. Martin (admitted *pro hac vice*)
13 ADLER MURPHY & McQUILLEN LLP
14 20 South Clark Street, Suite 2500
15 Chicago, Illinois 60603
16 Phone: (312) 345-0700
17 Email: bmaye@amm-law.com
18 tshelke@amm-law.com
19 mmartin@amm-law.com

20 Charles A. Michalek (Nevada Bar No. 5721)
21 ROGERS, MASTRANGELO, CARVALHO &
22 MITCHEL
23 700 South Third Street
24 Las Vegas, Nevada 89101
25 Phone: (702) 383-3400
26 Email: cmichalek@rmcmllaw.com

27 IT IS SO ORDERED:

28 
UNITED STATES MAGISTRATE JUDGE

DATED: August 23, 2021